

Calendar No. 252

108TH CONGRESS
1ST SESSION**S. 1261****[Report No. 108–128]**

To reauthorize the Consumer Product Safety Commission, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2003

Mr. MCCAIN (for himself and Mr. FITZGERALD) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

AUGUST 26, 2003

Reported under authority of the order of the Senate of July 29 (legislative day, July 21), 2003, by Mr. MCCAIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To reauthorize the Consumer Product Safety Commission,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Consumer Product
5 Safety Commission Reauthorization Act of 2003”.

1 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 32(a) of the Consumer Product Safety Act
 3 (~~15 U.S.C. 2081(a)~~) is amended by striking paragraphs
 4 (1) and (2) and inserting the following:

5 “(1) \$60,000,000 for fiscal year 2004;

6 “(2) \$66,800,000 for fiscal year 2005;

7 “(3) \$70,100,000 for fiscal year 2006; and

8 “(4) \$73,600,000 for fiscal year 2007.”.

9 **SEC. 3. FTE STAFFING LEVELS.**

10 Section 4(g) of the Consumer Product Safety Act (~~15~~
 11 ~~U.S.C. 2053(g)~~) is amended by adding at the end the fol-
 12 lowing:

13 “(5) The Commission is authorized to hire and
 14 maintain a full time equivalent staff of ~~471~~ persons
 15 in each of fiscal years 2004 through 2007.”.

16 **SEC. 4. EXECUTIVE DIRECTOR AND OFFICERS.**

17 So much of section 4(g) of the Consumer Product
 18 Safety Act (~~15 U.S.C. 2053(g)~~) as precedes paragraph (2)
 19 is amended to read as follows:

20 “(g) EXECUTIVE DIRECTOR; OFFICERS AND EM-
 21 PLOYEES.—(1)(A) The Chairman, subject to the approval
 22 of the Commission, shall appoint as officers of the Com-
 23 mission an Executive Director, a General Counsel, an As-
 24 sociate Executive Director for Engineering Sciences, an
 25 Associate Executive Director for Laboratory Sciences, an
 26 Associate Executive Director for Epidemiology, an Asso-

1 ciate Executive Director for Health Sciences, an Assistant
 2 Executive Director for Compliance, an Associate Executive
 3 Director for Economic Analysis, an Associate Executive
 4 Director for Administration, an Associate Executive Di-
 5 rector for Field Operations, an Assistant Executive Direc-
 6 tor for Office of Hazard Identification and Reduction, an
 7 Assistant Executive Director for Information Services,
 8 and a Director for Office of Information and Public Af-
 9 fairs. Any other individual appointed to a position des-
 10 ignated as an Assistant or Associate Executive Director
 11 shall be appointed by the Chairman, subject to the ap-
 12 proval of the Commission. The Chairman may only ap-
 13 point an attorney to the position of Assistant Executive
 14 Director for Compliance, but this restriction does not
 15 apply to the position of Acting Assistant Executive Direc-
 16 tor for Compliance.”.

17 **SECTION 1. SHORT TITLE.**

18 *This Act may be cited as the “Consumer Product Safe-*
 19 *ty Commission Reauthorization Act of 2003”.*

20 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

21 *Section 32(a) of the Consumer Product Safety Act (15*
 22 *U.S.C. 2081(a)) is amended by striking paragraphs (1) and*
 23 *(2) and inserting the following:*

24 *“(1) \$60,000,000 for fiscal Year 2004;*

25 *“(2) \$66,800,000 for fiscal year 2005;*

1 “(3) \$70,100,000 for fiscal year 2006; and

2 “(4) \$73,600,000 for fiscal year 2007.”.

3 **SEC. 3. FTE STAFFING LEVELS.**

4 Section 4(g) of the Consumer Product Safety Act (15
5 U.S.C. 2053(g)) is amended by adding at the end the fol-
6 lowing:

7 “(5) The Commission is authorized to hire and main-
8 tain a full time equivalent staff of 471 persons in each of
9 fiscal years 2004 through 2007.”.

10 **SEC. 4. EXECUTIVE DIRECTOR AND OFFICERS.**

11 So much of section 4(g) of the Consumer Product Safe-
12 ty Act (15 U.S.C. 2053(g)(1) as precedes subparagraph (B)
13 is amended to read as follows:

14 “(g) **EXECUTIVE DIRECTOR; OFFICERS AND EMPLOY-**
15 **EES.—**(1)(A) The Chairman, subject to the approval of the
16 Commission, shall appoint as officers of the Commission an
17 Executive Director, a General Counsel, an Associate Execu-
18 tive Director for Engineering Sciences, an Associate Execu-
19 tive Director for Laboratory Sciences, an Associate Execu-
20 tive Director for Epidemiology, an Associate Executive Di-
21 rector for Health Sciences, an Assistant Executive Director
22 for Compliance, an Associate Executive Director for Eco-
23 nomic Analysis, an Associate Executive Director for Ad-
24 ministration, an Associate Executive Director for Field Op-
25 erations, an Assistant Executive Director for Office of haz-

1 *ard Identification and Reduction, an Assistant Executive*
 2 *Director for Information Services, and a Director for Office*
 3 *of Information and Public Affairs. Any other individual*
 4 *appointed to a position designated as an Assistant or Asso-*
 5 *ciate Executive Director shall be appointed by the Chair-*
 6 *man, subject to the approval of the Commission. The Chair-*
 7 *man may only appoint an attorney to the position of As-*
 8 *sistant Executive Director for Compliance, but this restric-*
 9 *tion does not apply to the position of Acting Assistant Exec-*
 10 *utive Director for Compliance.”.*

11 **SEC. 5. SUBSTANTIAL PRODUCT HAZARD RECALLS.**

12 *Section 15 of the Consumer Product Safety Act (15*
 13 *U.S.C. 2064) is amended by adding at the end the following:*

14 *“(i) COMMISSION-FINANCED RECALLS.—*

15 *“(1) IN GENERAL.—The Commission may take*
 16 *the actions otherwise required of a manufacturer, re-*
 17 *tailer, or distributor under subsection (c)(1), (2), and*
 18 *(3) with respect to a product if the Commission—*

19 *“(A) staff makes a preliminary hazard de-*
 20 *termination that a product presents a substan-*
 21 *tial product hazard classified as a Class A or B*
 22 *product hazard (as defined in the Commission’s*
 23 *Recall Handbook) or the Commission makes a*
 24 *substantial product hazard determination classi-*
 25 *fied as a Class A or B product hazard (as de-*

1 *fined in the Commission’s Recall Handbook)*
 2 *with respect to such a product; and*

3 “(B) finds that—

4 “(i) notification of the hazard is in the
 5 public interest; and

6 “(ii) the manufacturer, retailer, or dis-
 7 tributor is financially unable to provide
 8 adequate notification.

9 “(2) *IMPLEMENTING REGULATIONS.*—Not more
 10 than 120 days after the date of enactment of the Con-
 11 sumer Product Safety Commission Reauthorization
 12 Act of 2003, the Commission shall prescribe regula-
 13 tions to implement paragraph (1). In promulgating
 14 such regulations, the Commission shall establish strict
 15 standards for ensuring that Commission funding is
 16 expended only on the product recall notifications of
 17 manufacturers, retailers, or distributors that are fi-
 18 nancially unable to effect adequate notifications re-
 19 quired by this section.

20 “(3) *AUTHORIZATION OF APPROPRIATIONS.*—
 21 There are authorized to be appropriated to the Com-
 22 mission for each fiscal year \$2,000,000 to carry out
 23 this subsection.”.

1 **SEC. 6. INCREASE IN CIVIL PENALTIES.**

2 *Section 20(a)(1) of the Consumer Product Safety Act*
3 *(15 U.S.C. 2069(a)(1)) is amended by striking*
4 *“\$1,250,000” each place it appears and inserting*
5 *“\$20,000,000”.*

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